

Amendment No. 1 to SB0434

Kelsey
Signature of Sponsor

AMEND Senate Bill No. 434

House Bill No. 321*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-32-101, is amended by deleting subdivision (a)(1)(E) in its entirety and substituting instead the following:

(E) Except as provided in Section 2 of this act, a person is not entitled to the expunction of such person's records if:

(i) The person is charged with an offense, is not convicted of the charged offense, but is convicted of an offense relating to the same criminal conduct or episode as the charged offense, including a lesser included offense; provided, however, any moving or nonmoving traffic offense shall not be considered an offense as used in this subdivision (a)(1)(E); or

(ii) The person is charged with multiple offenses or multiple counts in a single indictment and is convicted of:

(a) One (1) or more of the charged offenses or counts in the indictment; or

(b) An offense relating to the same criminal conduct or episode as one (1) of the offenses charged in the indictment, including a lesser included offense.

SECTION 2. Tennessee Code Annotated, Section 40-32-101, is further amended by adding the following as a new, appropriately designated subsection:

() A person who is ineligible for expunction of the person's records pursuant to subdivision (a)(1)(E) shall be entitled to partial expunction of any public records relating

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to the person's arrest, indictment, charging instrument, or disposition for any charges other than the offense for which the person was convicted. The public records shall be expunged from the relevant databases of the national crime information center system and similar state databases, and the person shall be entered into the Tennessee bureau of investigation's expunged criminal offender and pretrial diversion database with regard to the offenses expunged pursuant to this subsection. Nothing in this subsection shall require court clerks to expunge records relating to an offense for which the person was convicted.

SECTION 3. This act shall take effect on July 1, 2015, the public welfare requiring it.